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18 Counterdefendant Moog Inc.

19 **UNITED STATES DISTRICT COURT**  
20 **CENTRAL DISTRICT OF CALIFORNIA**

21 MOOG INC.,

22 Plaintiff,

23 v.

24 SKYRYSE, INC., ROBERT ALIN  
25 PILKINGTON, MISOOK KIM, and  
26 DOES NOS.1-50,

27 Defendants.  
28

Case No. 2:22-cv-09094-GW-MAR  
*Hon. George H. Wu*

**DECLARATION OF BRUCE  
PIXLEY IN SUPPORT OF  
PLAINTIFF AND COUNTER-  
DEFENDANT MOOG INC.'S  
NOTICE OF MOTION AND  
MOTION TO ENFORCE  
COMPLIANCE WITH THE  
MARCH 11, 2022 STIPULATED  
TRO (DKT. 25), AND FOR  
MONETARY AND ADVERSE  
INFERENCE SANCTIONS FOR  
CONTEMPT AND SPOLIATION**

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*[Filed concurrently with Notice of Motion and Motion; Declaration of Kazim Naqvi; Declaration of Kevin Crozier; [Proposed] Order]*

Date: April 13, 2023  
Time: 8:30 a.m.  
Ctrm.: 9-D

**REDACTED VERSION OF  
DOCUMENT PROPOSED TO BE  
FILED UNDER SEAL**

Complaint Filed: March 7, 2022  
Counterclaims Filed: January 30, 2023

**DECLARATION OF BRUCE PIXLEY**

1  
2 1. Bruce Pixley, under penalty of perjury and pursuant to 28 U.S.C.  
3 § 1746, declares the following to be true and correct:

4 **Background**

5 2. My name is Bruce W. Pixley. I provide this declaration in support of  
6 Moog Inc.'s ("Moog") Motion to Enforce March 11, 2022 Stipulated TRO (Dkt.  
7 25), and for Monetary and Adverse Inference Sanctions for Contempt and  
8 Spoliation. I am over the age of 18 years. I have personal knowledge of the  
9 matters set forth herein and if called as a witness, I could and would competently  
10 testify as to all facts set forth herein.

11 3. I am the Managing Member of Pixley Forensics Group LLC. My  
12 responsibilities include assisting corporate clients and law firms in investigations  
13 and disputes involving forensic accounting issues, electronic discovery, theft of  
14 intellectual property, and computer forensic investigations. In this capacity, I  
15 manage teams of forensic examiners and use a variety of technologies to perform  
16 data acquisition and analysis of this information.

17 4. Since 2001, I have served as a lead instructor of computer forensics,  
18 Internet investigations, and network intrusion courses for the California  
19 Department of Justice's Advanced Training Center. Additionally, I have been  
20 employed as a Master Instructor at Guidance Software, which developed the  
21 EnCase computer forensic software. As an instructor, I have taught for over 2,000  
22 hours on the subjects of computer forensics and high-tech investigations. I have  
23 developed course training materials and wrote manuals for computer forensic  
24 courses such as Advanced Internet Examinations and Network Intrusion  
25 Investigations.

26 5. I possess three professional certifications for my fields of work. I  
27 possess the Certified Information Systems Security Professional (CISSP)  
28 certification and the GIAC Certified Forensic Analyst (GCFA) certification, which

1 are both ANSI ISO accredited credentials, and the EnCase Certified Examiner  
2 certification.

3 6. Since 2003, I have been retained as a computer forensic examiner and  
4 subject matter expert in both criminal and civil matters. I have been qualified as an  
5 expert witness in both state and federal courts and testified about the foundation of  
6 computer forensics, Windows and Mac operating systems, chat software, Internet  
7 and network operations, e-mail, peer-to-peer file sharing, digital photography,  
8 recovery of deleted data, and Trojan viruses.

9 7. I have been retained by Sheppard, Mullin, Richter & Hampton LLP,  
10 counsel for Moog Inc. (“Moog” or “Company”) to conduct a forensic analysis of:  
11 1) certain company-issued laptop computers and external storage drives for any  
12 evidence of the exfiltration of Company data; 2) electronic devices, data, and  
13 documents produced by the Defendants and third parties in this case, some of  
14 which are in the possession of a third party forensics vendor, iDiscovery Solutions  
15 (“iDS”).

16 **Sathya Achar’s Skyrise-Issued Laptop**

17 8. I understand that on or around December 2, 2022, Skyrise produced  
18 to iDS a company laptop issued to Sathya Achar. During my analysis of Sathya  
19 Achar’s Skyrise laptop (iDS Device No. S0020), I reviewed a folder in the root  
20 directory called C:\SaveDirectories, which had a creation date of 2/23/2022. The  
21 folder contained a total of 655 subdirectories and a total of 7,904 files.

22 9. I conducted a simple search of the files in the “SaveDirectories”  
23 folder and subfolders for “Moog.” That search resulted in 81 Office-type  
24 documents (Word, Excel, PowerPoint) that contained “Moog Inc.” or “Moog” in  
25 the company metadata field; one PDF document that contained the line “MOOG  
26 PROPRIETARY AND CONFIDENTIAL INFORMATION;” and, 173 PDF  
27 documents that contained one of the following lines of text: “Material licensed to  
28 Moog Inc;” “Sold to MOOG INC;” “Downloaded by Moog Inc;” and, “Issued to

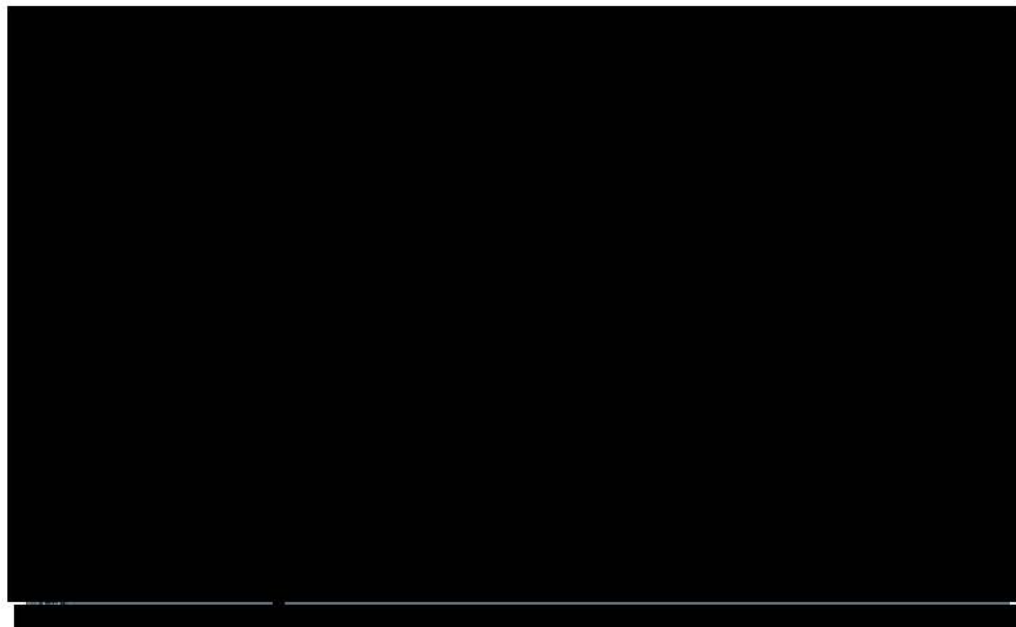
1 Moog Inc.” Some of these types of documents included a non-public, proprietary  
2 flight control document for the Airbus A350, required performance information,  
3 and intermediate work-in-progress.

4 **Eric Chung’s Skyryse-Issued Laptop**

5 10. I understand that on or around December 2, 2022, Skyryse produced  
6 to iDS a company laptop issued to Eric Chung. During my review of Eric Chung’s  
7 Skyryse laptop (iDS Device No. S0021), I found files related to the Moog Desktop  
8 Test Environment (MDTE).

9 11. During my previous analysis of the Moog computer assigned to Alin  
10 Pilkington (iDS Device No. E0031), I found different versions of the MDTE and  
11 the files associated with those versions.

12 12. I understand prior to running a test, the MDTE graphical user  
13 interface (GUI) requires the user to select different files for input under the  
14 Requirements Based Test (RBT) info section, such as a “RBT Spreadsheet” and a  
15 RBT Text File. The RBT Spreadsheet is a custom-formatted Excel spreadsheet,  
16 which provides the necessary information for running a test. The screenshot below  
17 depicts the MDTE GUI (Version 0.77) for the “RBT Info” section with two files  
18 selected.





13. I found 100 different and unique (non-duplicates) RBT Spreadsheets on Pilkington's Moog Laptop that contained all or some of the following attributes:

- All of these RBT Spreadsheets had the same metadata for file creation date, which was 6/5/2015, when Pilkington was employed at Moog;
- 96 of these RBT Spreadsheets files had the same metadata for author, which was Eric Chung and four were blank; and
- 22 of these RBT Spreadsheets contained a print header with the text "DO NOT TRANSMIT OUTSIDE OF MOOG USA OR TO Non-U.S. PERSONS\*."

14. Based on these 100 RBT Spreadsheets, it appeared that these files started as one template originally created on 6/5/2015 and saved with different content as needed for each test.

RBT Spreadsheets Found on Chung's Skyrise Laptop

15. I reviewed files within Chung's Skyrise Laptop and located a RBT Spreadsheet, with the file name "[REDACTED]". The original author metadata shows that it was created by Eric Chung on 6/5/2015, which is when Eric Chung worked at Moog, and was last modified on 3/6/2022. The formatting of this RBT Spreadsheet was consistent with the RBT Spreadsheets that I located on Pilkington's Moog Laptop.

16. In total, I located 11 different versions of the RBT Spreadsheets, each containing different test information, on Chung's Skyrise Laptop, which had the same metadata creation date of 6/5/2015 and were all last modified in 2022. The file names and last modification dates of these documents are as follows:

- [REDACTED], last modified 3/2/2022;
- [REDACTED], last modified 3/8/2022;
- [REDACTED], last modified 3/25/2022;
- [REDACTED], last modified 3/25/2022;
- [REDACTED], last modified 3/30/2022;

- [REDACTED], last modified 3/31/2022;
- [REDACTED], last modified 3/31/2022;
- [REDACTED], last modified 4/4/2022;
- [REDACTED], last modified 4/4/2022;
- [REDACTED], last modified 4/5/2022; and,
- [REDACTED], last modified 4/6/2022.

17. Three of the 11 versions ([REDACTED]) stood out from the others as they contained print header information<sup>1</sup> that displayed “\*DO NOT TRANSMIT OUTSIDE OF MOOG USA OR TO Non-U.S. PERSONS\*.”

18. Nine of the 11 versions show a last modification date between March 25, 2022 and April 6, 2022, which is past the date of the March 11, 2022 Stipulated TRO entered in this action (Dkt. 25).

19. One of the 11 versions ([REDACTED]) showed Skyryse employee Mario Brenes as the author with an original metadata creation date of 6/5/2015. At this time, Mario Brenes’ Skyryse laptop has not been produced by Skyryse.

### **Tri Dao’s Skyryse-Issued Laptop**

20. I understand that on or around December 2, 2022, Skyryse produced to iDS a company laptop issued to Tri Dao. During my analysis of Tri Dao’s Moog laptop and the Ivanti log associated with his USB activity, I found that on February 6 and February 9, 2022, he copied 39,278 files to an external USB drive (240 GB, USB serial number 30000000123ada). This external USB drive has not been returned to Moog.

21. Approximately one week later on February 15, 2021, Tri Dao plugged that same external USB drive into his Skyryse laptop (IDS S0022) and copied

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<sup>1</sup> Print header information is text that will be displayed on a printed version of the document.



1 7,679 files (of the 39,278 files) he originally copied from his Moog laptop to his  
2 Skyryse laptop.

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4 **Document Production by Third Party Hummingbird Aero, LLC**

5 22. I have reviewed the document production by third party Hummingbird  
6 Aero, LLC (“Hummingbird”) (HB0000001 to HB0000879), produced on January  
7 18, 2023, and which consisted entirely of email messages and email attachments.  
8 In this production, I found many examples of Moog non-public data that was  
9 transmitted by Skyryse email accounts. Several example documents contain  
10 “Moog” in the document metadata or in the text of the document itself.

11 23. On March 31, 2021, Hussein Khimji (using a Skyryse email address)  
12 sent an email (HB0000793) to both Skyryse and Hummingbird employees that  
13 contained an attached Plan for Software Aspects of Certification (PSAC) template  
14 document (HB0000748) with “Moog” in the document metadata. This email has  
15 never been produced by Skyryse to date. True and correct copies of HB0000793,  
16 748, designated by Moog as “HIGHLY CONFIDENTIAL—ATTORNEYS’ EYES  
17 ONLY” under the Protective Order (Dkt. 89), are attached hereto as Exhibit “A.”

18 24. On May 26, 2021, Hussein Khimji (using a Skyryse email address)  
19 sent an email (HB0000746) to both Skyryse and Hummingbird employees that  
20 contained an attached PSAC template document (HB0000701) with “Moog” in the  
21 document metadata. This email has never been produced by Skyryse to date. True  
22 and correct copies of HB0000746, 701, designated by Moog as “HIGHLY  
23 CONFIDENTIAL—ATTORNEYS’ EYES ONLY” under the Protective Order  
24 (Dkt. 89), are attached hereto as Exhibit “B.”

25 25. On November 18, 2021, Lori Bird (using a Skyryse e-mail address)  
26 sent an email to Hummingbird employees containing 16 attachments  
27 (HB0000700). These attachments (HB000660-699) are all nearly identical to  
28 corresponding Moog templates and checklists found on Alin Pilkington’s Moog





CONFIDENTIAL—ATTORNEYS’ EYES ONLY” under the Protective Order (Dkt. 89), are attached hereto as Exhibit “D.”

27. On November 22, 2021, Lori Bird (using a Skyrise e-mail address) sent an email to Hummingbird employees containing 20 attachments (HB0000659). In her cover e-mail, she notes: “[REDACTED]” These documents (HB0000639-658) are all nearly identical to corresponding Moog checklists found on Alin Pilkington’s Moog laptop (IDS E0031). Furthermore, the files matched by file name as depicted below:

Email Attachment File Name	File Name on Moog Laptop
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

1 [REDACTED] [REDACTED]  
2 [REDACTED] [REDACTED]  
3 [REDACTED] [REDACTED]  
4  
5 28. Five of these attachments have “Moog” in the text of the document  
6 (HB0000647, HB0000643, HB0000642, HB0000641, and HB0000639). These  
7 documents were not produced by Skyrise until February 17, 2023 (after receiving  
8 Hummingbird’s production). True and correct copies of HB0000659, 639-658,  
9 designated by Moog as “HIGHLY CONFIDENTIAL—ATTORNEYS’ EYES  
10 ONLY” under the Protective Order (Dkt. 89), are attached hereto as Exhibit “E.”  
11 True and correct copies of MOOG0030603-617, 630-634, designated by Moog as  
12 “HIGHLY CONFIDENTIAL—ATTORNEYS’ EYES ONLY” under the  
13 Protective Order (Dkt. 89), are attached hereto as Exhibit “F.”

14 29. On December 17, 2021, Lori Bird (using a Skyrise e-mail address)  
15 sent an email to Rex Hyde from Hummingbird and asks: “[REDACTED]  
16 [REDACTED]” (HB0000629).

17 This document was not produced by Skyrise until February 17, 2023 (after  
18 receiving Hummingbird’s production). A true and correct copy of HB0000629,  
19 designated by Moog as “HIGHLY CONFIDENTIAL—ATTORNEYS’ EYES  
20 ONLY” under the Protective Order (Dkt. 89), is attached hereto as Exhibit “G.”

21 30. On January 6, 2022, Lori Bird (using a Skyrise e-mail address) sent  
22 an email to David Berlin (Hummingbird email address) attaching two software  
23 code checklists (HB0000586 and HB0000588). Both of these checklists are nearly  
24 identical to corresponding Moog checklists and the company metadata field for  
25 both documents is “MOOG Salt Lake Operations.” This document was not  
26 produced by Skyrise until February 17, 2023 (after receiving Hummingbird’s  
27 production). True and correct copies of HB0000586, 588, designated by Moog as  
28



1 “HIGHLY CONFIDENTIAL—ATTORNEYS’ EYES ONLY” under the  
2 Protective Order (Dkt. 89), are attached hereto as Exhibit “H.”

3 31. Hummingbird’s document production contained e-mails and/or  
4 attachments associated with the following 17 Skyryse email accounts:

- 5 • Alin Pilkington <alin.pilkington@skyryse.com>,
- 6 • Amir Hallajpour <amir.hallajpour@skyryse.com>
- 7 • Chris Smith <chris.smith@skyryse.com>
- 8 • David Lee <david.lee@skyryse.com>
- 9 • Diane Li <diane.li@skyryse.com>
- 10 • Gonzalo Rey <gonzalo.rey@skyryse.com>
- 11 • Hussein Khimji <hussein@skyryse.com>
- 12 • Ian Young <ian-a@skyryse.com>
- 13 • Lawrence Chow <lawrence.chow@skyryse.com>
- 14 • Lori Bird <lori.bird@skyryse.com>
- 15 • Mario Brenes <mario.brenes@skyryse.com>
- 16 • Norman Butler <norman.butler@skyryse.com>
- 17 • Paul Kapaun <paul.kapaun@skyryse.com>
- 18 • Reid Raithel <reid.raithel@skyryse.com>
- 19 • Sathya Achar <sathya.achar@skyryse.com>
- 20 • Stephen Wang <stephen.wang@skyryse.com>
- 21 • Ilan Paz <ilan.paz@skyryse.com>

22 32. To date, Skyryse has not produced any electronic devices belonging to  
23 Gonzalo Rey, Lawrence Chow, Lori Bird, Chris Smith, Hussein Khimji, Stephen  
24 Wang, Ian Young, Reid Raithel, Ilan Paz, Norman Butler, Amir Hallajpour, Diane  
25 Li, Paul Kapuan, and David Lee. It has not produced any Skyryse-issued laptop for  
26 Mario Brenes.

27 33. As of February 17, 2023, Skyryse had not produced (either directly to  
28 Moog or through iDS) 92 documents, which we know exist because they were



1 produced by Hummingbird, that involve Skyryse e-mail addresses and include  
2 Moog information.

3 **Document Production by Third Party Rex Hyde**

4 34. I have reviewed third party Rex Hyde's production (HYDE0000001  
5 to HYDE0001922), produced on February 6, 2023, which consisted entirely of  
6 email messages and associated email attachments. In this production, I found many  
7 examples of Moog non-public data transmitted by Lori Bird's Skyryse email  
8 account. Many examples contain "Moog" in the document metadata or in the text  
9 of the document itself.

10 35. November 18, 2021, Lori Bird (using a Skyryse e-mail address) sent  
11 an email to Hummingbird employees containing 16 attachments (HYDE0001922).  
12 These attachments (HYDE0001882-1921) are all nearly identical to corresponding  
13 Moog templates and checklists found on Alin Pilkington's Moog laptop (IDS  
14 E0031). Three of these attachments have "Moog" in the text of the document  
15 (HYDE0001891, HB0000665, and HB0000664). These documents were not  
16 produced by Skyryse until February 17, 2023 (after receiving Rex Hyde's  
17 production). True and correct copies of HYDE0001922, 1882-1921, designated by  
18 Moog as "HIGHLY CONFIDENTIAL—ATTORNEYS' EYES ONLY" under the  
19 Protective Order (Dkt. 89), are attached hereto as Exhibit "I."

20 36. On November 22, 2021, Lori Bird (using a Skyryse e-mail address)  
21 sent an email to Hummingbird employees containing 20 attachments  
22 (HYDE0001881). In her cover e-mail, she notes: "[REDACTED]  
23 [REDACTED]" These documents (HYDE0001861-1880)  
24 are all nearly identical to corresponding Moog checklists found on Alin  
25 Pilkington's Moog laptop (IDS E0031). Five of these attachments have "Moog" in  
26 the text of the document (HB0000647, HB0000643, HB0000642, HB0000641, and  
27 HB0000639). These documents were not produced by Skyryse until February 17,  
28 2023 (after receiving Rex Hyde's production). True and correct copies of

HYDE0001881, 1861-1880, designated by Moog as “HIGHLY CONFIDENTIAL—ATTORNEYS’ EYES ONLY” under the Protective Order (Dkt. 89), are attached hereto as Exhibit “J.”

37. Hyde’s document production was associated with the following 9 Skyryse email accounts:

- Alin Pilkington <alin.pilkington@skyryse.com>
- Amir Hallajpour <amir.hallajpour@skyryse.com>
- David Lee <david.lee@skyryse.com>
- Diane Li <diane.li@skyryse.com>
- Glenn Shintaku <glenn.shintaku@skyryse.com>
- Lori Bird <lori.bird@skyryse.com>
- Sathya Achar <sathya.achar@skyryse.com>
- Thusa Dinh <thusa.dinh@skyryse.com>
- David Lee <david.lee@skyryse.com>

38. In addition to the electronic devices identified above in Paragraph 32, Skyryse has not produced any electronic devices belonging to Thusa Dinh or Glenn Shintaku.

39. As of February 17, 2023, Skyryse had not produced (either directly to Moog or through iDS) 88 documents which we know exist because they were produced by Hyde, that involve Skyryse e-mail addresses and contain Moog information.

**Document Production by Third Party Lori Bird**

40. On December 18, 2021, Alin Pilkington (while employed by Skyryse), sent an email to Skyryse personnel Lori Bird’s personal Gmail account which contained no less than 89 documents comprising Moog software checklists, standards, development plans, and other related documents. (BIRD0000001-128, 182).



41. All of these documents contain “Moog” on the document or metadata, and some of them have explicit Moog legends that they comprise “MOOG PROPRIETARY AND CONFIDENTIAL INFORMATION.”

42. Prior to Pilkington sending the email with 89 documents, Lori Bird and Alin Pilkington were sending each other text messages (BIRD0000001). Bird was asking Pilkington to send her Moog documents. At one point, Pilkington asked Bird [REDACTED]

[REDACTED].”

43. True and correct copies of BIRD000001-128, designated by Moog as “HIGHLY CONFIDENTIAL—ATTORNEYS’ EYES ONLY” under the Protective Order (Dkt. 89), are attached hereto as Exhibit “K.”

**Defendant Skyryse’s February 17, 2023 Document Production**

44. I have reviewed the Skyryse production, produced on February 17, 2023, which contains 2,920 documents. In that production, I only found two e-mails in the production which were from Bird’s personal e-mail account (BIRD\_SR\_00000466, 536). The remainder of the at least 231 total e-mails involved her Skyryse e-mail account (lori.bird@skyryse.com).

45. The metadata associated with the production shows that at least 2,300 documents originate from Bird’s Skyryse-issued Mac laptop, which has not been produced in this case.

**Reid Raithel**

46. During my investigation, I found that during his last week of employment at Moog, former Moog employee and subsequent Skyryse employee Reid Raithel plugged in two Samsung USB drives into his Moog laptop. He copied 27,118 files from one of the USB drives to the other (copy from USB Drive 1 to USB Drive 2). He also copied certain files from his Moog laptop to USB Drive 2. Upon his departure from Moog, Raithel left USB Drive 1 behind. He left Moog with USB Drive 2 and it has not been returned.



1           47. One of the 27,118 files copied by Raithel has a file name of "[REDACTED]"  
2           "[REDACTED]" (Author: Raithel; Created: 1/4/2022; Company: Moog Inc.), and it was  
3           copied to USB Drive 2 which was connected to Raithel's Moog laptop on January  
4           4, 2022. This document appears to be a recruiting list of targeted Moog employees.  
5           Raithel deleted this file to his Recycle Bin on his Moog laptop on January 6, 2022,  
6           just before he departed Moog employment to join Skyryse. A true and correct copy  
7           of "[REDACTED]," (MOOG0030797) designated by Moog as "HIGHLY  
8           CONFIDENTIAL—ATTORNEYS' EYES ONLY" under the Protective Order  
9           (Dkt. 89), is attached hereto as Exhibit "L."

10          48. On January 29, 2022, Raithel (using his Skyryse e-mail account), sent  
11          an e-mail containing one attachment, an Excel spreadsheet called "[REDACTED]"  
12          "[REDACTED]." (SKY\_00003218, 3220). The Excel metadata shows the same  
13          metadata as for the file "Listing new.xlsx." The e-mail was sent to the Skyryse e-  
14          mail addresses for Deb Morisie, Jeff Becker, and Sathya Achar. Achar forwarded  
15          this e-mail and attachment to Pilkington's Skyryse e-mail account on January 31,  
16          2022. True and correct copies of SKY\_00003218, 3220, designated by Skyryse as  
17          "HIGHLY CONFIDENTIAL" under the Protective Order (Dkt. 89), are attached  
18          hereto as Exhibit "M."

19          49. Based on my analysis, Raithel copied large volumes of Moog data  
20          prior to his departure from Moog. No electronic devices belonging to Raithel have  
21          been produced in this litigation. Without the ability to inspect Raithel's Skyryse  
22          laptop or the USB Drive 2 that has not been return to Moog, it is unknown what  
23          other Moog data has been used, transferred, or referred to Moog non-public  
24          information while at Skyryse.

25                **Skyryse's Google Drive**

26          50. During my investigation, I found that Skyryse has a Google Drive  
27          account that contains Moog non-public information, and that has been shared with  
28          third parties.



1           51. Both Alin Pilkington and Misook Kim were provided access to  
2 Skyryse's Google Drive. (SKY\_IDS\_0002254, 2255, 2256, 2677). On January 7,  
3 2022, Pilkington sent a Google Drive invite to 16 people, including 9 Skyryse  
4 employees and 6 Hummingbird employees. (SKY\_IDS\_0007274). The invite was  
5 for the purpose of sharing a Google Drive folder called "[REDACTED]  
6 [REDACTED]." In the invite, Pilkington states: "[REDACTED]  
7 [REDACTED]  
8 [REDACTED]  
9 [REDACTED]."

10           52. In an e-mail thread between Pilkington and Hummingbird employee  
11 Phil Gillaspay from January 2022, Pilkington refers to the Google Drive,  
12 specifically "[REDACTED]," which is a documentation file.  
13 (SKY\_IDS\_0007234). On January 10, 2022, Pilkington texted Lori Bird: "[REDACTED]  
14 [REDACTED]  
15 [REDACTED]" (SKY\_IDS\_0000007). True and correct copies of  
16 SKY\_IDS\_0000007, 0002254, 2255, 2256, 2677, designated by Skyryse as  
17 "Confidential" under the Protective Order (Dkt. 89), are attached hereto as Exhibit  
18 "N." True and correct copies of SKY\_IDS\_0007234, 7274, designated by Skyryse  
19 as "HIGHLY CONFIDENTIAL—ATTORNEYS' EYES ONLY" under the  
20 Protective Order (Dkt. 89), are attached hereto as Exhibit "O."

21           53. As further described in the concurrently filed declaration of Kevin  
22 Crozier, it is readily apparent that Skyryse was sharing documents with  
23 Hummingbird constituting, copying or derived from Moog non-public information.  
24 The above-referenced Google drive has not been produced to Moog, either directly  
25 or through iDS. The repository is not stored on Pilkington's Skyryse-issued laptop  
26 (iDS Device No. E0027). A review of the SQLite database stored on Pilkington's  
27 Skyryse laptop lists the files that he had access to on the Google Drive. None of  
28 these files have been turned over for review to my knowledge.

**Defendant Misook Kim's Missing Mac Laptop**

54. During my investigation, I found that Misook Kim recently used a Mac computer while at Skyryse. It is unclear whether this Mac computer is personal or Skyryse-issued, but it has not been produced to iDS in any event. This finding is based on the following:

55. On December 21, 2021, Eric Chung (eric.chung@skyryse.com) sent an e-mail to Devon Richardson (using devon.richardson@skyryse.com) requesting a Parallels license for Kim and Richardson agreed to the license. ( [REDACTED] ). For reference, Parallels is a program that allows a user to run Windows on a Mac computer. Similarly, on the same date, Kim (misook.kim@skyryse.com) received two e-mail messages relating to the activation of her Parallels license. ( [REDACTED] ). Parallels shows Kim accessing the Parallels account from a Skyryse IP address (12.69.11.82). To date, Kim personally produced only an older Mac computer (iDS Device No. E0004), which did not have Parallels installed. Skyryse has never produced any Skyryse-issued Mac computer for Kim (it has only produced a Mac computer for Pilkington).

56. On January 9, 2022, Kim (using misook.kim@skyryse.com) sent an e-mail to Pilkington (alin.pilkington@skyryse.com), titled "[REDACTED]." (SKY\_IDS\_0002189). In the e-mail, Kim advises Pilkington, in relevant part:

"[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]." (SKY\_IDS\_0002195). The e-mail contains a zip file with an Excel spreadsheet titled "[REDACTED]." (SKY\_IDS\_0002190). Thus, Kim expressly states that she is running the excel file on Parallels. Further, the excel attachment ( [REDACTED] ) is a derivative of an excel spreadsheet created by Eric Chung in June 2015 while working at Moog



( [REDACTED] ). This Moog spreadsheet is referred to as a “Test Procedure Document” or “RBT Spreadsheet,” and is a critical component of test software because it contains test procedure information for Requirements Based Testing (RBT). In short, Kim was referring to and transferring Moog non-public information using the unproduced Mac laptop and using her Skyryse e-mail account. True and correct copies of SKY\_IDS\_0002189, 2190, 2195, designated by Skyryse as “HIGHLY CONFIDENTIAL—ATTORNEYS’ EYES ONLY” under the Protective Order (Dkt. 89), are attached hereto as Exhibit “P.”

57. Finally, on January 24, 2022, Kim sent an e-mail from her personal g-mail account (misookk@gmail.com) to her Skyryse e-mail account. ( [REDACTED] ). This email contained a screenshot of “ [REDACTED] ” test specs. The screenshot shows the test file (specifically [REDACTED] ) for this test was located in the following Windows file path: [REDACTED]. This file path, containing the excel spreadsheet derived off Moog non-public information, means that it is either running on a Windows computer or on a Mac computer running a Windows virtual machine under Parallels. However, this specific file path does not exist on Kim’s personal Windows computer (iDS Device No. E0005) or the single Skyryse-issued laptop that was produced (iDS Device No. E0001). All folders in the C:\SkyrysePrograms folder on her Skyryse laptop were created after February 14, 2022. Thus, prior to February 14, 2022, Kim was performing work for Skyryse (and accessing/using Moog data) on a computer that has not been turned over for inspection.

I declare that the foregoing is true and correct under penalty of perjury under the laws of the United States of America.

Executed this 16th day of March, 2023.

/s/ Bruce Pixley  
Bruce Pixley